

Surface Transportation Act of 2009: Bill Overview

In general, it appears that this bill builds on the work of the Surface Transportation Policy and Revenue Study Commission, as well as the Corridors of the Future Program, Urban Partnership Agreement Program, and the American Recovery and Reinvestment Act of 2009. This is evidenced in the consolidation of programs, creation of partnership programs for funding interstate freight and metropolitan mobility projects through full funding agreements, and its emphasis of performance measures and accountability through reporting.

This bill does propose several changes to the dynamics of transportation project planning, programming and development. It elevates the status of rural planning agencies (although this probably is of more importance to other states). It increases awareness of livability and sustainability in the planning process and brings the transit new and small starts programs more closely into alignment with the highway project development process. It proposes to streamline project delivery by incorporating more of the work from the planning process into environmental studies. It opens the NEPA delegation program to all states (but does not explicitly extend it beyond the 2011 sunset). Finally, it establishes an office in FTA and another in FHWA that is focused on expediting project delivery.

With the exception of its silence on funding and its approach to tolling and P3's the bill appears to be generally consistent with the California Consensus on Federal Transportation Authorization. It addresses maintenance and repair for highways and transit. It establishes two programs for goods movement, the freight improvement program, and Projects of National Significance. It creates a Metropolitan Mobility Access Program making direct grants to MPO's. The safety provisions appear to streamline the Highway Safety Improvement Program and require better data collection. I defer to the opinions of the Highway Patrol and Office of Traffic Safety on the provisions related to impaired driving, behavior programs, and performance management. It acknowledges impending impacts of climate change, effects on public health, land use, and the need to reduce single occupant vehicle travel by providing comprehensive design on highways and streets. Finally, as previously mentioned, it includes proposals to expedite delivery without compromising the intent of environmental law.

The bill also focuses on public private partnerships and tolling. It establishes an office of public benefit and charges it with the purpose of reviewing partnership agreements and reviewing and approving tolling proposals on federal aid highways. This could inhibit state's ability to attract private sector investment.

Another area that may be of concern is the emphasis on accountability and performance. As written, it would require a number of planning documents and reports from states, metropolitan planning organizations, transit operators, and other recipients of funding. Although it appears to be well intentioned, it could become a time and resource consuming process.

Finally, without a sense of how the funding is spread throughout the program it is impossible to tell how much benefit will be achieved through consolidation, streamlining or new program proposals. There are no descriptions of changes to apportionment formulas for the new or retained highway and transit programs nor are there any authorization numbers. The bill also leaves the High Priority Projects program blank, which means that it is not possible to determine whether earmarking will be controlled. Therefore, it is difficult to tell how much of an impact consolidation of programs and inclusion of new programs will have on funding shares to California and its regions.